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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/782,104      | 02/19/2004  | Violet Hanson        |                     | 5353             |

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04/27/2007

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| EXAMINER |
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TAWFIK, SAMEH

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

3721

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 04/27/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/782,104

Applicant(s)

HANSON, VIOLET

Examiner

Sameh H. Tawfik

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03/19/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Election/Restrictions*

Applicant's election without traverse of Group II (claims 9-18) in the reply filed on 03/19/2007 is acknowledged.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation "The method" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 9, lines 3 and 4; "sealing gussets through and through a film" is vague and/or confusly worded as it is not clear what applicant means by using phrase of "through and through"?

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-11, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Beer (U.S. Patent No. 4,913,561).

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Beer discloses a method of making a gusseted bag comprising the step of forming at least one seal on a top edge a gusseted portion of the bag (Fig. 1; via seals 40 and 42) so as to form top seals sealing the gussets "through and through" the a film so as to form sealed gussets having a top (Figs. 1 and 2).

Regarding claim 10: including at least one longitudinal seal (via seals 40A and 42A) sealing all gussets to reinforce the top seals and top closures (via top portion of the bag).

Regarding claim 11: including at least one diagonal seal (via 40B and 42B) sealing all gusset film to reinforce a closure (via top portion of the bag) and making for easy discharge of the contents of the bag, see for example (Figs. 1 and 2).

Regarding claim 13: including at least one small sized or reduced size gusset on each side of the bag (Figs. 1 and 2; via the upper portion of gussets 30 and 32 been reduced) to allow for easy discharge of contents of the bag without compromising integrity, shape, and characteristic of the gusseted bag.

Regarding claim 14: including at least one additional seal (via seal 46) on a top edge of the bag thereby sealing gussets through film material (via the end portions of seal 46).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 15, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beer (U.S. Patent No. 4,913,561) in view of Kuge et al. (U.S. Patent No. 5,364,189).

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Beer does not disclose a block sealed area by the top of the bag reducing overall size of a zipper closure. However, Kuge discloses a similar method of making a gusset bag comprising the steps of forming a block sealed area (Figs. 7-9; via block sealed areas 28a and 28b) by the top of the bag reducing overall size of a zipper closure (via closure 30).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Beer's method by having the steps of forming a block sealed area by the top of the bag reducing overall size of a zipper closure, as suggested by Kuge, in order to provide a bag with zipper element with an entirely seal the end opening portions (column 1, lines 40-45 and 64-68).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beer (U.S. Patent No. 4,913,561) in view of Vassallo (U.S. Patent No. 6,457,863).

Beer does not disclose a slit or small opening near a top of a body of the bag. However, Vassallo discloses a similar method of forming a bag with a slit and holes on the top of the bag (Figs. 1-4; via slit 22 and 30; holes 18 and 24).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Beer's method by having a step of forming a slit or small opening near a top of a body of the bag, as suggested by Vassallo, in order to relieve stress and provide increased resistance to tearing as the slit is opened (column 2, lines 62-65).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beer (U.S. Patent No. 4,913,561).

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Beer does not disclose a cut out handle on the bag. However, the examiner takes an official notice that such cut out on a bag to form handle is old, well known, and available in the art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Beer's method of making bag by having the step of cutting out handle at the top of the bag, as a matter of engineering design choice, in order to make it easier holding up the bag.


### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 9:00 AM to 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sameh H. Tawfik  
Primary Examiner  
Art Unit 3721



ST.